

*The Project for Repealing the Penal Laws and Tests, with the Honorable Means used to effect it. Being a Preface to a Treatise concerning the Penal Laws and Tests.* 106 1/4

IT is now some years since the noble Enterprize of Removing the Penal Laws and Tests, has been carried on by incredible Vigor and Application; and yet to the great Grief of the Catholick Undertakers the Success does not hitherto seem to answer the measure of their Diligence or Expectation. All sorts of Men, and all kinds of Arguments have been tried, and yet it is scarce to be perceived that the Cause is any thing advanced. The Church of England Men had the Honor of the first Solicitation; and the Nobility and Gentry of that Communion, in consideration of Former Services, such as the Western Action, &c. had the offer of ingrossing to themselves the sole Merit and Glory of Betraying their Religion and Country: the Court Arguments of Honor and Profit, heretofore accounted irresistible, were not wanting on this occasion. But this had no other Effect than the innumerable Vacancies of Civil and Military Employments that fell upon those stiff Gentlemen as a Judgment for their refusal. And some, whose whole Subsistence depended upon the Court, chose rather to be deprived of all, and to be reduced from some of the chief Places of the Kingdom, to the utmost hardships of Life, than to join in this warlike Enterprize against the Laws. The Clergy who now seem to be in a state of Reprobation, were smil'd upon as long as the Court had any hopes of them, and offer'd this great grace of ruining their own Church: and to encourage them to this pious Work, Preferments were promised; and because none of any Reputation could be gain'd, the Black Guard of the Church is call'd up Stairs, and admitted to the Closet, and Dung-hills are raked for Vermin to stink Men out of the Church. Saul was in great distrels, when for want of a Prophet, he put his Questions to the Devil; for my part I cannot but look upon it as direct Necromancy to consult Bishop Talbot, since by the smell of the Carrion, it must be concluded to be more than four days dead; and it is not doubted by Men curious in secret Sciences, but that the Devil has somewhere or other robb'd a Gibbet to furnish this apparition of a Prelat.

When the Nobility and Clergy declin'd this Romantick Adventure against the Laws, a Press goes forth upon the Commonality; in Corporations this was the Word, Give up the Penal Laws or your Charter, and Mr. Alderman, lay aside the Test or your Fur-Gown. Nay this diligence descended so low, and grew so minute, that a blind Alehouse could not escape the Questions; Why should any one enjoy a Royal Licence to draw Ale, that would not stand by the Prerogative and Dispensing Power? Yet after all, the success of this admirable negotiation was so unsatisfactory, that B. H. swore to his Landlord at Winchester, That the Disobedience of his Brethren of the Blue Apron had brought upon them the Proclamation against Debauchery. Nay, so great was the Condescension, as not to pass by the very Goals:

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Where that none might despair, the greatest *Criminals* are first taken into *employment*, and made *Regulators of Corporations*: and surely no wise *Man* can blame this *Conduſt*; for it muſt be confeſſ'd, that there can be no *Inſtruments* more proper to take away *Penal Laws* than theſe, whom ſuch kind of *Laws* had put in dread of their *Lives*: and Sir N. B. paſſing by a *Prifon Gate*, and hearing the *Prifoners* cry for *Alms*, is ſaid to have turn'd and given this *Word of Comfort*, *That if they would give their Mouths againſt the Penal Laws and the Biſhops, they ſhould be all made Freemen of London*: And why ſhould we doubt it, ſince a *Blind Beggar* is already made *Free of Cambridg*.

In the laſt place, the *Proteſtant Diſſenters* are invited to take their *full Revenge* of the *Church of England*, and of thoſe *Penal Laws* by which they had ſuffered ſo much; and to induce them to this; the *old Sores* are rubb'd hard, and their *Sufferings* aggravated to the higheſt point. Yet to let them ſee that they are but mock'd by this counterſeit *Compaſſion*, the very Men who are now the moſt forward in rendering their former *Hardſhips* ſo invidious, were the chief *Authors* of their *Proſecution*. And I am ſure that ſome of the *Diſſenters* may ſtill remember by whoſe *inſtigation* it was, that their *Behaviour* was ſometimes raiſed higher than became *Perſons* obnoxious to the *Laws*, who promis'd to *abet* them; and when by this *Artifice* they had been drawn to *provoke* they were abandon'd, and the *Church-Men* enjoin'd to *proſecute* with the utmoſt *Rigor*: and the *Diſſenters* ſome years ago ſeem'd to be ſo ſenſible of this *Juggle*, that they had reſolved to put the *Dice* upon the *Jugglers* themſelves, and were within a point of having their *revenge* upon their *false Friends*, and in all probability they had effected it, if they had not been betrayed to the *Court* by their chief *Leaders* and *Confidents*, and diverted from the purſuit of *Popery*, by being ſet upon the *Church of England*; if they will call to mind in what manner *Hales* and *Butler*; and others, went in and out among them in thoſe days of *darkneſs* and *diſguiſe*, they will eaſily underſtand what I ſay. But to return from this *digreſſion*: The *Diſſenters* are now courted to take off the *Laws*, and the better to inſlave them, they are put into *Employments* in *Corporations*, and made *Juſtices of the Peace*, and are intruſted with juſt ſo much *Power* as may enable them to *betray* their *Ccountry* and the *Proteſtant Religion*; but the *Papiſts* who are mixed with them, and from whom they muſt take their *directions*, will take care they ſhall do no *ſervice*, but for *Popery*: Nay, for all this *fair Countenance* that is now towards the *Diſſenters*, ſome of their *Friends* of the *red Letter*, when their hearts were open with *Wine* or *Vanity*, have not ſluck to declare, that this *Favor* to the *Diſſenters* was but a *temporary Act*, and a thing only of *preſent Oeconomy*: And the Son of a certain *Mayor* of the new *regulation*, blab'd out unwarily this dangerous *Secret*; *That the new Members of ſuch Corporation were not to be of long continuance, but to be kick'd out as ſoon as they had ſerv'd the preſent Turn*; that is, as ſoon as they had choſe *Parliament Men* to repeal the *Penal Laws* and the *Teſt*. Now whether ſuch intimations as theſe, or a more com-

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commendable Principle hath induc'd many of the *Dissenters* to refuse to give up the *Establish'd Religion*, and the *Laws* that secure it against the inundation of *Popery*, and made the bulk of that *Party* doubtful and in suspense about that matter; so it is, that the *practices* upon that sort of Men have not met with all the success that *Pen*, and *Tob*, and *Buttler*, had promis'd the *Roman Catholics*.

Besides these *private Applications* to particular Persons, or to the several *Per-  
suasions* among us, some *Writers* of great note, undertook to convince the *World* of the necessity and reasonableness of taking away the *Penal Laws* and *Tests*. And tho these *Undertakers* wanted neither *ability* nor *integrity* answerable to the goodness of the *Cause*, yet after all their pains, the *generality* of Men remain *unsatisfied*. *Talgot the Great*, is said to have exercised his *Style* upon this occasion, and no Man surely can be so unreasonable as to suspect his *Integrity* in this matter, he is too much concern'd in the *Penal Laws*, to *prevaricate* in drawing up a *Charge* against them: For is it not these *Penal Laws* that *restrain* Men and Women from loving one another as much as Nature has allow'd? A *Father* cannot love his own dear *Child*, as well as his *Wife*, or his *Concubine* for these *peevish* and *ungodly Laws*, a Man can scarce speak a free word of *Religion* in his drink, but he must fall straight under the *Laws*: Since therefore they are so *grievous* to flesh and blood, why should any suspect this *Author* as not hearty in this affair; besides, since the modesty of that great Man submits all his *Labors* to the inspection of *Father Petre*, he cannot in any reason lie any longer under suspicion of *unfaithfulness*, and had he us'd this method from the beginning, the *Ulcers* of the Church of Rome, of which he once *numarilly* spoke, had never appear'd in his *Writings*, nor had he ever been guilty of so scandalous an intimation as this, That the Roman Church was a *Strumpet*, and fallen under the evil Disease incident to *Prostitution*: But I hope later *Services* have taken off that blot, and give me encouragement to make an humble request in his behalf; that in consideration of his *Services*, those who have power at Court would procure him, not the *Arch-Bishoprick* of York, for that might embroil him with *Father Petre*; but a *gracious Repeal* of the late *Proclamation* against *Debauchery* and *immoderate Drinking*.

In the next place Friend *Pen*, who has had long commerce with Rome, and shores as much as any *Subject* in the merits of the *Holy Society* of *Jesus*, was stir'd up by his new *Spirit*, to persuade the *Nation* to part with the *Penal Laws* and *Tests*: It cannot be doubted that he is as much in earnest in this *Cause* as *Father Petre* himself, and for *ability* is generally thought to be much before him; yet after all his *faithful Endeavour*, men are much *dissatisfied*, because they cannot reconcile this new *Spirit* with the old. For when the *Papish Plot* was in credit, Friend *William* was possessed with such a *jealousie* of *Papery*, that he publish'd, according to the *Light* then dwelling in him, That *Papists* had forfeited all rights of being believed, that they were incapable of *Toleration*, because they could give no *Security* of their good Behaviour; and tho they should offer a *Toleration*, they were not to be trusted;

trusted, because it was against their principle to keep their Faith with Hereticks. Dear Friend **William**, how shall we reconcile these things with the new Expedient? How is it that sweet and bitter proceed from the same Fountain? And since these Lights lead different ways, for Gods sake tell us which we shall follow.

Many other Writers of lesser Note, shew'd their good Will and Learning upon this great Subject, and gave the Penal Laws such hard Names, as Draconica, Cannibal, Blood-sucking, Sanguinary, Barbarous, Inhuman, &c. that a Serjeant of the last Call is said to be so far transported, as to tear all those Acts out of his Statute-Book, when he had first of all desired a Friend to shew him which they were. But of all that have signalliz'd themselves by their opposition to the Penal Laws and Tests, commend me to the Reverend Judges, who in these Circuits have done wonders, and astonished all the Kingdom. The Achievements of these Knights Errants, deserve a particular Relation, and I hope they themselves will please so far to comply with the publick Curiosity, as to permit their several Charges to be printed, and by this means make some amends for the disappointment of the World, which has waited so long in vain for the Bishops Tryal: In the mean time who can pass by **Alibone the Wise**, who in his Charge recommended to the Country the Belief of Transubstantiation, and what is almost as repugnant to common sense, he maintain'd that the Bishops Petition was a Libel: It was kindly done of a Popish Judge to take the pains to recommend Protestant Bishops to the Esteem of the Country, by expressing his Indignation against them in so high a measure; surely every Protestant would be apt to believe that those Bishops had given some notable Check to the progress of Popery, that should occasion this pretended Judge to be so much innag'd. After the Bishops, he fell unmercifully upon the Laws, and said many things against them of as much weight as his Commission; but some of the Gentlemen present thought all this Harangue very impertinent; for they were of opinion, that his sitting upon that Bench, took away the Laws more effectually than all the Reasons he could alledg against them. What shall we do now the Laws and Judges are so desperately saln out? When the Laws are against the Judges, what wonder is it if the Judges are against the Laws? Tyburn had of old the Right and the good Fortune of ending such Controversies by silencing the Judges, and I do not despair but this may expire together the Revilers of our Laws under the same fatal Tree, which without imputation of Superstition, I may I hope, thus accost in Verse:

*Old Reverend Tripes, Guardian of the Law,  
Sacred to Justice, Treasons greatest awe:  
Do thou decide the Nations weighty Cause,  
And judg between the Judges and the Laws.  
So shall no guiltless Blood thy Timber e'er pollute,  
And righteous Laws shall vouch all thou shalt execute.*

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